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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,287	10/18/2001	Bernhard Dohrmann	59575-014	6542
27975	7590	01/07/2005	EXAMINER	
ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A. 1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE P.O. BOX 3791 ORLANDO, FL 32802-3791			HARRIS, CHANDA L	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary

Application No.

09/981,287

Applicant(s)

DOHRMANN, BERNHARD

Examiner

Chanda L. Harris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 and 38-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 and 38-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

In response to the Amendment filed 7/20/04, Claims 1-41 are pending.

Claim Objections

1. Claim 13 is objected to because of the following informalities:
 - Line 8: "comprises" should be -- comprising --. Appropriate correction is required.
 - Line 15: "sound" should be -- sounds --. Appropriate correction is required.
 - Line 21: "data switches" should be -- said data switches --. Appropriate correction is required.
2. Claim 14 is objected to because of the following informalities:
 - Line 13: "device" should be -- devices --. Appropriate correction is required.
 - Line 16: "providing" should be -- provides --. Appropriate correction is required.
 - Line 23: "transmit" should be --transmits--. Appropriate correction is required.
3. Claim 18 is objected to because of the following informalities: Line 4: "communicates" should be --communicate--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. What does "the others" refer to?
2. Claims 23-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 23 recites the limitations "the actual control buttons" and "the data source device" in line 5. There is insufficient antecedent basis for this limitation in the claim.
3. Claims 38 and 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 38 recites the limitation "the student" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 30-32 are rejected because no useful, concrete and tangible result is produced.

Claims to computer programs (i.e., computer-readable instructions, graphical user interface) per se are not statutory subject matter. A claim to a computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 13-14, 19-21, 23-30, and 38-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Remschel (US 6,411,796).

1. [Claims 1,13,19,28-30]: Regarding Claims 1,13,19, and 28-30, Remschel discloses at least one source (i.e., learning system) that provides data. See Col.4: 7-12. Remschel discloses at least one user interface (i.e., user-friendly graphical user interface) that receives a user input related to the data. See Col.4: 21-33. Remschel discloses a plurality of output devices (e.g., a television monitor, a number of television sets, personal computer) that receives audio and visual components of the instructional informational. See Col.4: 10-12, 34-48. Remschel discloses a processor that

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generates audio and visual components (e.g., video display on the teacher's computer) of instructional information from provided data to at least one output device according to a software algorithm (e.g., based upon the status of any particular attribute stored in the roster file, "SEND SCREEN" function) containing at least one predetermined rule (e.g., students assigned to group 1 hear the audio reproduction of the first master recorder). See Col.8: 47-55 and Col.15: 61-16:6. Renschel discloses communication links that transmit data and information between the at least one source, the user interface, the processor and the output devices. See FIG.1. Renschel discloses at least one user interface (e.g., personal computer) that provides comments and instructions related to the displayed images and the broadcast sound. See FIG.1. Renschel discloses communication links that transmit information and instruction. See FIG.1. Renschel discloses data switches (i.e., CALL switcher) that activate and deactivate data source devices according to a predetermined software algorithm, whereby the data switches provide a unique audio and visual output combination set by a plurality of rules associated with the software algorithm. See Col.8: 32-55 and Col.15: 43-61.

2. [Claims 2,25]: Regarding Claims 2 and 25, Renschel discloses wherein said at least one source comprises at least one of VCR, DVD, cameras, audio tuners, Internet and PC-based presentations. See Col.4: 63-Col.5: 2.

3. [Claim 3]: Regarding Claim 3, Renschel discloses wherein said at least one predetermined rule determines order and sequence in which data from each source is to be applied to the output devices. See Col.8: 52-55.

4. [Claim 4]: Regarding Claim 4, Remschel discloses wherein said user input (e.g., which assignment has been previously completed by a particular student or the student's success on various prior assignments) determines which source provides data. See Col.8: 47-55.

5. [Claim 5]: Regarding Claim 5, Remschel discloses wherein software includes a control component (i.e., companion software) that determines order and sequence in which data from each source is applied to the output devices. See Col.8: 36-52.

6. [Claims 6,41]: Regarding Claims 6 and 41, Remschel discloses wherein the plurality of output devices comprise three display screens or a set of speakers (i.e., room speakers). See FIG.1.

7. [Claims 14,40]: Regarding Claims 14 and 40, Remschel discloses a network. See FIG.1. Remschel discloses at least one user interface connected to said network (e.g., personal computer). See FIG.1. Remschel discloses at least one processor (e.g., control panel) connected to said network that generates audio and visual instructional input from at least one user and at least one predetermined rule. See FIG.1.

Remschel discloses at least one source (e.g., communication router) that provides data over said network. See FIG.1. Remschel discloses at least one source (i.e., "SEND SCREEN" function) that captures information related to live interaction of an instructor and provides captured information to the audio and visual components. See Col.15: 66-Col.16: 6. Remschel discloses at least one device server (i.e., communication router) connected to said network and configured to receive an input from at least one user over said network, to receive data from at least one source over said network, transmit

information associated with the data to the processor, and receive instructions from the processor according to at least one predetermined rule that transmits the generated instructional information to the plurality of output devices. See FIG.1.

8. [Claim 20]: Regarding Claim 20, Remschel discloses wherein communicating data is carried out over serial communication links. See FIG.1.

9. [Claim 21]: Regarding Claim 21, Remschel discloses wherein the user provides input (e.g., selecting the "SEND SCREEN" function) through a graphical user interface. See Col.15: 66-Col.16: 6.

10. [Claim 23]: Regarding Claim 23, Remschel discloses wherein the graphical user interface includes graphical representation of control panels (i.e., control panel) corresponding to each data source and each control panel emulates the actual control buttons (e.g., KEYBOARD/MOUSE) on the data source device. See FIG.1. See Col.16: 9-13.

11. [Claim 24]: Regarding Claim 24, Remschel discloses wherein the graphical user interface further includes an area for an active source window displaying an image that is shown on the output devices. See Col.15: 66-Col.16: 6.

12. [Claim 26]: Regarding Claim 26, Remschel discloses wherein an annotation device (i.e., personal computer keyboard) is coupled with the graphical user interface. See FIG.1.

13. [Claim 27]: Regarding Claim 27, Remschel discloses wherein the graphical user interface further includes override (i.e., take over) capabilities, which comprises stopping one data source and starting another data source. See Col.16: 13-17.

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14. [Claim 38]: Regarding Claim 38, Remschel discloses at least three display screens (e.g., room TV, room TV, video presentation stand) that display instructional information and circuitry that supports displaying different video components delivered to each screen in accordance with a specific algorithm. See FIG.1.

15. [Claim 39]: Regarding Claim 39, Remschel discloses wherein the algorithm is driven by at least one rule (i.e., pattern file, program group assignment). See Col.16: 53-Col.17: 2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-12 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Remschel in view of Slezak (US 6,647,119).

1. [Claims 7-8]: Regarding Claims 7-8, Remschel does not disclose expressly wherein each of the three display screens is further divided into a plurality of viewing areas in a predetermined pattern and wherein at least one display screen is divided into four equal viewing areas. However, Slezak teaches such in FIG.4. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitations into the method and system of Remschel, in

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light of the teaching of Slezak, in order to enhance visual cues provided on a single monitor in order to enhance understanding of the displayed information and improve user interaction.

2. [Claims 9-12]: Regarding Claims 9-12, Remschel does not disclose expressly wherein at least one display screen is divided into nine equal viewing areas; wherein at least one display screen is divided into sixteen equal viewing areas; wherein at least one display screen is divided into two or more unequal viewing areas; and wherein each of the three display screens is further divided into a plurality of viewing areas in a pattern different from the other screens. However, Slezak teaches the concept of dividing a display screen into a number of equal viewing areas. See FIG.4. Further, the use of unequal viewing areas and/or the dividing of viewing areas into a pattern different from the other screens would have been an inherent feature of Slezak's invention afforded by the operating systems taught by Slezak (i.e., WINDOWS, WINDOWS 95, WINDOWS NT, MACINTOSH OS, and OS/2 PRESENTATION MANAGER). See Col.4: 18-25. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitations into the method and system of Remschel, in light of the teaching of Slezak, in order to enhance visual cues provided on a single monitor in order to enhance understanding of the displayed information and improve user interaction. Further, the mere duplication of parts has no patentable significance unless a new and unexpected result is produced. See *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

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3. [Claims 15-18]: Regarding Claims 15-18, Remschel does not disclose expressly wherein the network is a LAN; wherein the network is a WAN; wherein the network is the Internet, or wherein the device server and data sources communicate remotely with the others over the network. However, Slezak teaches such in Col.3: 53-Col.4: 14. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitations into the method and system of Remschel, in light of the teaching of Slezak, in order to enable communication links between computers in a networking environment.

Claims 22 and 31-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Remschel in view of Konopka et al. (US 5,850,250).

1. [Claims 22,31,33]: Regarding Claims 22, 31, and 33, Remschel does not disclose expressly wherein the graphical user interface is displayed on a touch panel (i.e., liquid crystal touch screen panel). However, Konopka teaches such in Col.5: 7-9. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate a graphical user interface displayed on a touch panel into the method and system of Remschel, in light of the teaching of Konopka, in order to allow a user to control all devices located in a particular location.

2. [Claim 32]: Regarding Claim 32, Remschel discloses wherein an annotation device (i.e., personal computer keyboard) coupled with the graphical user interface that adds comments (e.g., teacher notes on a student) by the user, said comments being superimposed over the image displayed on the screens. See FIG.1. and Col.8: 15-22.

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3. [Claim 34]: Regarding Claim 34, Remschel discloses wherein a graphical representation corresponding to a control panel for a device that provides data to the output devices is displayed. See FIG.14, for example.
4. [Claim 35]: Regarding Claim 35, Remschel discloses wherein information corresponding to the function of that button (e.g., KEYBOARD/MOUSE) is sent back to the device server each time a control button is touched. See Col.16: 9-17.
5. [Claim 36]: Regarding Claim 36, Remschel discloses wherein upon a selection of a data source device (e.g., companion software), a control panel corresponding to selected device is displayed. See Col.5: 26-33.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. Therefore, this action is made NON-FINAL.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 571-272-4448. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Chanda L. Harris
Examiner
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